

SWARTZ CAMPBELL LLC

BY: Kevin Canavan, Esquire

Identification No: 29987

Kristin Mutzig, Esquire

Identification No.: 209552

Two Liberty Place

50 S. 16th Street, 28th Floor

Philadelphia, PA 19103

(215) 564-5190

Attorneys for Defendants,

New England Motor Freight, Inc.,

and Jason Joseph Perkins

IN THE COURT OF COMMON PLEAS YORK COUNTY, PENNSYLVANIA

ROMULO HERNANDEZ

and MARIA E. HERNANDEZ

Plaintiffs

v.

JASON JOSEPH PERKINS,

NEW ENGLAND MOTOR

FREIGHT, INC.

and CINDY HERNANDEZ

Defendants

NO: 2010-SU-001214-01

**NOTICE OF SUGGESTION OF BANKRUPTCY FOR
NEW ENGLAND MOTOR FREIGHT, INC. AND STAY OF PROCEEDINGS**

PLEASE TAKE NOTICE that, on February 11, 2019, New England Motor Freight, Inc. (the “Debtor”), a defendant in the above-captioned proceeding, filed a voluntary petition for relief pursuant to Chapter 11 of Title 11 of the United States Code, 11 U.S.C. sec 101-1532 (as amended, the “Bankruptcy Code”) in the United States Bankruptcy Court for the District of New Jersey (the “Bankruptcy Court”), in the case *In re: New England Motor Freight, Inc., et al.* The Debtor’s bankruptcy case (the “Bankruptcy Case”) is pending before the Honorable Judge John Sherwood, under Case No.19-12809-JKS. A copy of the voluntary petition without attachments is annexed hereto.

PLEASE TAKE FURTHER NOTICE that pursuant to section 362(a) of the Bankruptcy Code, the Debtor’s filing of its voluntary petition operates as a stay of among other

things: (1) the commencement or continuation of judicial, administrative, or other action or proceeding against the Debtor or that was or could have been commenced before the commencement of the Bankruptcy Case, or to recover a claim against the Debtor that arose before the commencement of the Bankruptcy Case, (2) the enforcement against the Debtor or against the property of the estate of a judgement obtained before the commencement of the Bankruptcy Case, (3) any act to obtain possession of property of or from the estate or to exercise control over property of the estate¹.

PLEASE TAKE FURTHER NOTICE that additional information regarding the status of the Debtor's chapter 11 case may be obtained by (i) reviewing the docket of the Debtor's chapter 11 case at <https://www.donlinrecano.com/Clients/nemf/Dockets>, or (ii) contacting the following counsel for the Debtor:

SWARTZ CAMPBELL LLC

/s/ Kevin Canavan
Kevin Canavan, Esquire
Attorney for Defendants
Jason Joseph Perkins and
New England Motor Freight Inc.

Dated: May 17, 2019

¹ Nothing herein shall constitute a waiver of the right to assert any claims, counterclaims, defenses, rights of setoff or recoupment or any other claims of the Debtor against any party to the above-captioned case. The Debtor expressly reserves the right to contest any claims which may be asserted against the Debtor.

CERTIFICATE OF SERVICE

I, Kevin Canavan, hereby certify that a true and correct copy of the Suggestion of Bankruptcy was served upon the following persons by Electronic Service or United States Mail on May 17, 2019.

Matthew S. Crosby, Esq
Handler, Henning & Rosenberg, LLP
1300 Linglestown Road
Harrisburg, PA 17110

George H. Eager, Esquire
1347 Fruitville Pike
Lancaster, PA 17601

SWARTZ CAMPBELL LLC

s/ Kevin Canavan
Kevin Canavan, Esquire
Attorney for Defendants

Fill in this information to identify your case:

United States Bankruptcy Court for the:

DISTRICT OF NEW JERSEY

Case number (if known) Chapter 11

☐ Check if this an amended filing

Official Form 201

Voluntary Petition for Non-Individuals Filing for Bankruptcy

4/16

If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write the debtor's name and case number (if known). For more information, a separate document, *Instructions for Bankruptcy Forms for Non-Individuals*, is available.

1. Debtor's name New England Motor Freight, Inc.

2. All other names debtor used in the last 8 years

Include any assumed names, trade names and doing business as names

3. Debtor's federal Employer Identification Number (EIN) 22-1977697

4. Debtor's address Principal place of business Mailing address, if different from principal place of business

1-71 North Avenue East
Elizabeth, NJ 07201

Number, Street, City, State & ZIP Code

P.O. Box, Number, Street, City, State & ZIP Code

Union
County

Location of principal assets, if different from principal place of business

Number, Street, City, State & ZIP Code

5. Debtor's website (URL) http://www.nemf.com

6. Type of debtor

☒ Corporation (including Limited Liability Company (LLC) and Limited Liability Partnership (LLP))

☐ Partnership (excluding LLP)

☐ Other. Specify:

Debtor New England Motor Freight, Inc.
Name

Case number (if known) _____

7. Describe debtor's business**A. Check one:**

- ☐ Health Care Business (as defined in 11 U.S.C. § 101(27A))
- ☐ Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))
- ☐ Railroad (as defined in 11 U.S.C. § 101(44))
- ☐ Stockbroker (as defined in 11 U.S.C. § 101(53A))
- ☐ Commodity Broker (as defined in 11 U.S.C. § 101(6))
- ☐ Clearing Bank (as defined in 11 U.S.C. § 781(3))
- ☒ None of the above

B. Check all that apply

- ☐ Tax-exempt entity (as described in 26 U.S.C. §501)
- ☐ Investment company, including hedge fund or pooled investment vehicle (as defined in 15 U.S.C. §80a-3)
- ☐ Investment advisor (as defined in 15 U.S.C. §80b-2(a)(11))

C. NAICS (North American Industry Classification System) 4-digit code that best describes debtor.
See <http://www.uscourts.gov/four-digit-national-association-naics-codes>.

4842**8. Under which chapter of the Bankruptcy Code is the debtor filing?****Check one:**

- ☐ Chapter 7
- ☐ Chapter 9

☒ Chapter 11. **Check all that apply:**

- ☐ Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,566,050 (amount subject to adjustment on 4/01/19 and every 3 years after that).
- ☐ The debtor is a small business debtor as defined in 11 U.S.C. § 101(51D). If the debtor is a small business debtor, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return or if all of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).
- ☐ A plan is being filed with this petition.
- ☐ Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).
- ☐ The debtor is required to file periodic reports (for example, 10K and 10Q) with the Securities and Exchange Commission according to § 13 or 15(d) of the Securities Exchange Act of 1934. File the *attachment to Voluntary Petition for Non-Individuals Filing for Bankruptcy under Chapter 11* (Official Form 201A) with this form.
- ☐ The debtor is a shell company as defined in the Securities Exchange Act of 1934 Rule 12b-2.

☐ Chapter 12**9. Were prior bankruptcy cases filed by or against the debtor within the last 8 years?**☒ No.☐ Yes.

If more than 2 cases, attach a separate list.

District	_____	When	_____	Case number	_____
District	_____	When	_____	Case number	_____

10. Are any bankruptcy cases pending or being filed by a business partner or an affiliate of the debtor?☐ No☒ Yes.

List all cases. If more than 1, attach a separate list

Debtor	<u>See Attachment</u>	Relationship	_____
District	_____	When	_____
		Case number, if known	_____

Debtor New England Motor Freight, Inc.
Name

Case number (if known) _____

11. Why is the case filed in this district?*Check all that apply:*

- ☐ Debtor has had its domicile, principal place of business, or principal assets in this district for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other district.
- ☐ A bankruptcy case concerning debtor's affiliate, general partner, or partnership is pending in this district.

12. Does the debtor own or have possession of any real property or personal property that needs immediate attention?☐ No☐ Yes. Answer below for each property that needs immediate attention. Attach additional sheets if needed.**Why does the property need immediate attention?** (*Check all that apply.*)☐ It poses or is alleged to pose a threat of imminent and identifiable hazard to public health or safety.

What is the hazard? _____

☐ It needs to be physically secured or protected from the weather.☐ It includes perishable goods or assets that could quickly deteriorate or lose value without attention (for example, livestock, seasonal goods, meat, dairy, produce, or securities-related assets or other options).☐ Other _____**Where is the property?** _____

Number, Street, City, State & ZIP Code

Is the property insured?☐ No☐ Yes. Insurance agency _____

Contact name _____

Phone _____

Statistical and administrative information**13. Debtor's estimation of available funds***Check one:*

- ☒ Funds will be available for distribution to unsecured creditors.
- ☐ After any administrative expenses are paid, no funds will be available to unsecured creditors.

14. Estimated number of creditors☐ 1-49☐ 50-99☐ 100-199☒ 200-999☐ 1,000-5,000☐ 5,001-10,000☐ 10,001-25,000☐ 25,001-50,000☐ 50,001-100,000☐ More than 100,000**15. Estimated Assets**☐ \$0 - \$50,000☐ \$50,001 - \$100,000☐ \$100,001 - \$500,000☐ \$500,001 - \$1 million☐ \$1,000,001 - \$10 million☐ \$10,000,001 - \$50 million☐ \$50,000,001 - \$100 million☒ \$100,000,001 - \$500 million☐ \$500,000,001 - \$1 billion☐ \$1,000,000,001 - \$10 billion☐ \$10,000,000,001 - \$50 billion☐ More than \$50 billion**16. Estimated liabilities**☐ \$0 - \$50,000☐ \$50,001 - \$100,000☐ \$100,001 - \$500,000☐ \$500,001 - \$1 million☐ \$1,000,001 - \$10 million☐ \$10,000,001 - \$50 million☒ \$50,000,001 - \$100 million☐ \$100,000,001 - \$500 million☐ \$500,000,001 - \$1 billion☐ \$1,000,000,001 - \$10 billion☐ \$10,000,000,001 - \$50 billion☐ More than \$50 billion